

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

IN THE MATTER OF: ) No. B-0581496 C-13D  
Willie D. McIntosh )  
 )  
 )  
Debtor(s) )

**ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY  
AND CO-DEBTOR STAY**

On January 26, 2006, a hearing was held on Motion by Nuvell Financial Services Corporation (“Movant”) pursuant to 11 U.S.C. §362 to modify the automatic stay entered in this case to permit the Movant to foreclose upon its lien and security instrument on the Debtor’s 2005 GMC (“the automobile”), and on a Motion pursuant to 11 U.S.C. §1301 to permit the Movant to pursue its collection remedies against a co-debtor, Willie M. Wade. At the hearing, Edward C. Boltz, Esq. appeared on behalf of the Debtor, and Benjamin E. Lovell, Esq. appeared on behalf of the Standing Trustee. Counsel for the Debtor stated to the Court the Debtor had no opposition to the Movant’s Motion. The Court, after considering the Motions and having heard and considered the statements of counsel, finds that the interests of the Movant are not adequately protected and that the Motions should be granted; therefore, by and with the consent of the parties, it is ORDERED:

1. The Motions of the Movant for relief from the automatic stay and co-debtor stay, pursuant to 11 U.S.C. §§362 and 1301, are granted.
2. The stay is modified to permit the Movant to repossess and foreclose upon the automobile.
3. The Movant is allowed 120 days from the entry of this Order within which to file a documented deficiency claim with the Chapter 13 Office and failure to file a documented deficiency claim within said time will result in the release of the automobile being in full satisfaction of the Movant’s claim and the Debtor’s liability.
4. The stay of this Order under Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is not applicable.

**PARTIES IN INTEREST**

**Page 1 of 1  
05-81456 C-13D**

Willie D. McIntosh  
1 BN (ATK) Ave.  
Ft. Bragg, NC 28307

John T. Orcutt, Esq.  
6616-203 Six Forks Rd.  
Raleigh, NC 27615

Richard M. Hutson, II  
Standing Trustee  
PO Box 3613  
Durham, NC 27702

Pamela P. Keenan, Esq.  
PO Box 19766  
Raleigh, NC 27619